

# **Targeted Action Agenda to Address the Fecal Coliform Crisis in the Samish Basin**

## **BACKGROUND**

In February 2011, the Puget Sound Partnership established a target to restore the harvestable status of 10,800 acres of shellfish beds in Puget Sound. After significant success, approximately 4,000 acres have been reopened for shellfish harvest. Unfortunately, the Department of Health recently downgraded the health status of over 4,000 acres of commercial shellfish beds in Samish Bay.

The Governor directed the Executive Director of the Puget Sound Partnership to establish a Targeted Action Agenda designed to reverse the downgrade of shellfish beds in Samish Bay by September of 2012. The Governor further directed state agencies to work with local governmental entities and other local partners to demonstrate significant progress toward this goal in 6 months.

## **FRAMEWORK FOR ACTION**

The Puget Sound Partnership brought together the departments of Health, Ecology, Agriculture, the Washington Conservation Commission, Fish and Wildlife, Skagit County, and the Clean Samish Initiative Executive Committee to develop a Targeted Action Agenda to address the fecal coliform crisis in the Samish Basin. The Agenda supports existing efforts through Skagit County's Pollution Identification and Correction program and augments these efforts with additional state resources. The Agenda is designed to:

- Support viable, long-term agriculture and shellfish industries;
- Improve water quality in streams, rivers and tributaries flowing into Samish Bay by relying in part on constructive community engagement—neighbors helping neighbors; and
- Establish a common understanding that the utilization of enforcement authority, whether applied by Skagit County or the Department of Ecology, will play an important and constructive role to address the causes of fecal coliform contamination.

## **GEOGRAPHY AND HISTORY**

The Samish Basin is a large and relatively flat, lowland watershed that is primarily rural. Dominant land uses include commercial agriculture, small acreage farms, and low-density residences with some animals. The Department of Ecology established a 'Total Maximum Daily Load' (TMDL) project for fecal coliform and helped develop the 'Clean Samish Initiative' to implement the plan. Subsequently, Skagit County passed a clean water special assessment, sequenced to focus first on the Samish fecal coliform problems, and received an EPA grant to support their Pollution Identification and Correction program.

On April 29, 2011, the Puget Sound Partnership convened a meeting with members of the Clean Samish Initiative Executive Committee, directors of other state agencies, local elected officials, tribal representatives, landowners and other interested parties to establish a clear path towards recovery. The following goals and actions reflect information derived from that meeting.

#### **SIX-MONTH GOALS:**

- Beginning in the Fall of 2011 through June 2012, <sup>1</sup> there will be no more than one pollution-related shellfish growing area closure.
- By November 1, 2011, the Clean Samish Initiative Executive Committee will complete an evaluation of all parcels west of Highway 9 where potential problems for fecal contamination are known.

#### **ONE-YEAR GOALS:**

- By June 2012, eliminate the need for shellfish growing area closures due to fecal coliform bacteria<sup>1</sup>;
- By June 2012, evaluate all parcels for contribution of fecal coliform loading in the Samish Basin and identify options to reduce loadings from each parcel; and,
- By June 2012, implement farm practices in priority reaches identified by the Clean Samish Initiative Executive Committee to address the potential to pollute from the creation, storage, or application of livestock manure.

#### **Ten-Point Targeted Action Agenda to Restore Water Quality in the Samish**

The new actions delineated below will be pursued in addition to the existing and ongoing Clean Samish Initiative (CSI) program in the Samish Basin. The Clean Samish program includes a Pollution Identification and Correction (PIC) project operated by Skagit County and its partners. The PIC project is funded through an EPA grant and includes enhanced water quality monitoring, extensive education and outreach to local stakeholders and the Samish Basin community, targeted property inspections, and resources to aid landowners in making necessary changes to their properties to prevent pollution.

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<sup>1</sup> Only non-flood related closures. Floods are recognized as extraordinary circumstances.

The Clean Samish program also includes actions by the 20 CSI partner agencies. The new actions delineated below are designed to accelerate the process of finding and correcting pollution sources in the Samish Basin. This work is subject to adaptive management. We will adjust priorities and actions based on what we learn about their effectiveness through monitoring and tracking of progress.

1. **Designate the Samish Basin as a Marine Recovery Area.** By June 30, Skagit County will begin revising local codes to designate the full Samish Basin as a Marine Recovery Area to address on site sewage systems consistent with state law (RCW 70.118A.040). This will result in additional inspections of all on site septic systems in the basin.
2. **Improve Communication with Landowners.** The partner agencies and entities working in the Samish are committed to improving communication with landowners about the current state of water quality in the Samish Basin, why it is important to address issues related to fecal coliform, the roles of agencies at all levels, and what landowners need to do to help solve the problem. Outreach will happen through two general efforts:
  - a. The Skagit Conservation District will develop and implement a “peer-to-peer” landowner outreach program in coordination with the CSI Education Committee, Skagit County, Western Washington Agricultural Association, the Farm Bureau, the Cattleman’s Association, and Skagitonians to Preserve Farmland. The program will establish educational forums and associated materials targeted at animal owners and designed to support viable agricultural practices that prevent fecal contamination of state waters.
  - b. The departments of Ecology and Agriculture, the Conservation Commission, Skagit Conservation District and Skagit County will immediately develop and implement improved inspection communication protocols describing expectations and a workplan for making agency contacts with landowners. Protocols will explain the purpose and outcome of an inspection, with clear timelines and the steps necessary to address fecal contamination of state waters. State agencies also will work with Skagit County and the CSI Education Committee to develop a communication tool for distribution by a variety of means to landowners describing clean water regulations and the roles of the agencies that enforce them.
3. **Increase Compliance with Clean Water Law.** Partner agencies will work to increase compliance with laws designed to protect water quality on several fronts including septic systems, livestock grazing operations, small acreage landowners and dairies. Enforcement actions, including warnings, orders and penalties, will be taken when and where necessary to ensure compliance. Specific actions to focus on priority parcels and areas, as identified by the CSI Executive Committee, include:

- a. Skagit County: will assure timely and effective expenditures of the EPA grant to expedite the property inspection efforts in the Samish Basin.
  - b. Department of Agriculture: will continue their inspection focus related to the seven dairies in the Samish basin during the week of May 15. Beginning June 1, the Department of Agriculture will deploy 4 inspectors to conduct site visits of small-acreage and animal operations. This effort is being coordinated with the Department of Ecology because they have enforcement authority for non-dairy sites.
  - c. Skagit Co, Department of Agriculture, and Department of Ecology: Sometime between May 15 and June 1, all three will coordinate and conduct reconnaissance efforts together to identify non-dairy livestock locations in priority reaches.
  - d. Department of Ecology: will double its inspection capacity, focusing on properties where the creation, storage, or application of manure threatens water quality in the Samish basin by June 1.
4. **Deploy Puget Sound Corps.** Ecology will provide immediate access to the Puget Sound Corps to assist with fencing and other best management practices to achieve clean water.
5. **Revise Water Quality MOA to be more Timely and Effective.** The Department of Ecology, the Conservation Commission, and the Skagit Conservation District will immediately revise the Agriculture and Water Quality Memorandum of Agreement (MOA) that pertains to Skagit County. The updated MOA will shorten timelines, ensure timely compliance, and ensure landowners are held accountable and have a clear pathway to achieve state water quality standards.
6. **Targeting Resources to Priority Parcels and Areas.** The Clean Samish Initiative Executive Committee will prioritize parcels in priority reaches and target resources to reduce fecal contamination and improve water quality. Monitoring results will be used to direct agency activities and mapping resources will be used to report progress. 100% of landowners in the reaches of the Samish showing the highest level of fecal coliform levels will have site visits by October 2011. The Clean Samish Initiative Executive Committee will assist in coordinating site visits by Skagit County, Department of Ecology and Department of Agriculture. Of those parcels requiring farm plans in those reaches, landowners will work with the Skagit Conservation District to develop and implement farm plans that address clean water with 50% of plans in priority areas will be completed by October 2011 and 100% completed by June 2012. Of those parcels requiring an on site sewage system inspection, these will be completed within 30 days of the site visit.

7. **Provide sani-cans for recreationalists in the Samish Basin.** Skagit County and Washington Department of Fish and Wildlife (WDFW) will identify the adequate number of sani-cans needed to address human-based fecal coliform due to recreational activities in the Samish Basin. They will work with other partners to secure adequate funding to meet this need. Skagit County will ensure sani-cans are deployed in areas of greatest need outside of WDFW lands; WDFW will ensure sani-cans are deployed on their public access points.
8. **Update the CSI Work Plan.** The CSI Executive Committee will update their work plan to incorporate the targeted action agenda items, as well as other recent actions associated with the CSI partners.
9. **Assessing Outcomes and Reporting Progress.**
  - a. Skagit County will be the responsible entity for tracking all actions, responsibilities, and outcomes.
  - b. The Puget Sound Partnership will immediately begin support for ongoing tracking of actions consistent with this plan through participation in the CSI Executive Committee. The CSI Executive Committee will issue quarterly progress reports to local legislators, the Governor, and local media.
10. **Utilization of Microbial Source Tracking.** The Skagit County and the Department of Ecology will continue efforts through microbial source tracking (DNA analysis) to evaluate the contribution of waterfowl and wildlife to the fecal contamination program. If determined to be significant, the agencies will work with the community to identify best management practices that can mitigate the waterfowl and wildlife impacts.